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Senate Bill _____
By _____

House No. HB0796
By Robinson

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 2; Title 40, Chapter 33, Part 2; Title 55, Chapter 10, Part 4; Title 55, Chapter 10, Part 7; Title 55, Chapter 50; Title 57, Chapter 10, Part 1; Section 57-3-412; Section 57-4-203 and Section 57-5-301 relative to certain prohibited conduct involving alcohol; liability for injuries caused by such conduct; the punishment for and consequences of engaging in such conduct; and the procedures and methods for enforcing the laws prohibiting such conduct.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-408, is amended by deleting the section in its entirety and substituting instead the following:

(a) For the purpose of this part, evidence that there was, at the time alleged, five-hundredths of one percent (.05%), or less, by weight of alcohol in the blood of the defendant, shall create no presumption.

(b) Evidence that there was, at the time alleged, ten-hundredths of one percent (.10%) or more by weight of alcohol in the defendant's blood shall create a presumption that the defendant was under the influence of such intoxicant, and that the defendant's ability to drive was impaired thereby, sufficiently to constitute a violation of § 55-10-401.

The provisions of this subsection shall only apply if the defendant has no prior convictions for violating the provisions of § 55-10-401.

(c) Evidence that there was, at the time alleged, eight-hundredths of one percent (.08%) or more by weight of alcohol in the defendant's blood, shall create a presumption that the defendant was under the influence of such intoxicant, and that the defendant's ability to drive was impaired thereby, sufficiently to constitute a violation of § 55-10-401. The provisions of this subsection only apply if the defendant has one (1) prior conviction for a violation of § 55-10-401.

(d) Evidence that there was, at the time alleged, six-hundredths of one percent (.06%) or more by weight of alcohol in the defendant's blood, shall create a presumption that the defendant was under the influence of such intoxicant, and that the defendant's ability to drive was impaired thereby, sufficiently to constitute a violation of § 55-10-401. The provisions of this subsection only apply if the defendant has two (2) or more prior convictions for a violation of § 55-10-401.

SECTION 2 . This act shall take effect July 1, 1995, the public welfare requiring it.